

BILL NO. G-95- 11. 20

GENERAL ORDINANCE NO. G- 03 -96

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating dedicated right-of-way thereof.

WHEREAS, a petition to vacate dedicated right-of-way within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate dedicate right-of-way within the City of Fort Wayne, more specifically described as follows, to-wit:

Part of the Northeast Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana; more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 22, Township 31 North, Range 12 East; thence South 00 degrees 06 minutes 53 seconds East, along the West line of said Northeast Quarter, 1033.87 feet to the North right-of-way of Highway I-69; thence North 88 degrees 35 minutes 20 seconds East, along said right-of-way 206.12 feet; thence leaving said right-of-way, North, 249.82 feet to a point on the South right-of-way line of Challenger Parkway Extended; thence North 89 degrees 43 minutes 25 seconds East, 107.14 feet; thence Northeasterly, 128.66 feet, along a curve deflecting to the left having a radius of 260 feet and being subtended by a chord having a bearing of North 75 degrees 32 minutes 48 seconds East and a length of 127.36 feet to the point of beginning, said point being point A; thence continuing 16.47 feet along said curve deflecting to the left with a chord having a bearing of North 59 degrees 33 minutes 18 seconds East and a length of 16.47 feet; thence North 57 degrees 44 minutes 25 seconds East on a line tangent to the last described curve course 87.76 feet; thence Southwesterly 126.26 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet and being subtended by a chord having a bearing of South 58 degrees 01 minutes 37 seconds West and a length of 104.22 to the point of beginning; together with the following described parcel, commencing at point A in this legal description; thence North 31 degrees 37 minutes 43 seconds West, 60.11 feet to the point of beginning; thence 124.94 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet being subtended by a chord having a bearing of North 58 degrees 05 minutes 10 seconds East and a length

1 of 103.56 feet; thence South 57 degrees 44 minutes 25 seconds West 87.76 feet
2 along a line not tangent to the last described course; thence continuing
3 Southwesterly 15.81 feet along a curve deflecting to the right tangent to the last
4 described course having a radius of 200 feet being subtended a chord having a
bearing of South 60 degrees 00 minutes 20 seconds West and a length of 15.81
feet to the point of beginning, both parcels containing 0.01 acres of land, more or
less.

5 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master")
6 Plan and is hereby approved in all respects.

7 SECTION 2. That this Ordinance shall be in full force and effect from and after
8 its passage, any and all necessary approval by the Mayor.

9
10 
COUNCILMEMBER

11 APPROVED AS TO FORM AND LEGALITY:

12 
13 J. TIMOTHY MCCAULAY, CITY ATTORNEY

14 ** Public hearing to be held on Tuesday
15 the 23rd day of January, 1995,
16 in the Council Chambers.
17

18 
19 Sandra E. Kennedy, City Clerk
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Read the first time in full and on motion by Barrie,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, the _____ day of
_____, 19_____, at _____ o'clock
_____, M., E.S.T.

DATED: 11-14-95.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Barrie,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
<u>Crawford</u> BRADBURY				✓
EDMONDS	✓			
<u>Hall</u> GIAQUINTA	✓			
HENRY	✓			
<u>Dayhurst</u> LONG	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			
<u>Bender</u> TALARICO	✓			

DATED: 1-23-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. G-03-96

on the 23rd day of January, 19 96

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

DD Schmitz
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 24th day of January, 19 96,
at the hour of 12:00 o'clock P, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 31st day of January,
19 96, at the hour of 9:00 o'clock A M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

FACT SHEET

G-95-11-20

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance**DETAILS****Specific Location and/or Address**

Vacation of the cul-de-sac at the end
of Challenger Parkway.

Reason for Project

Right-of-way is no longer needed as the
street has been extended to the west.

Discussion (Including relationship to other Council actions)20 November 1995 - Public Hearing

Robert Ehrenman, attorney, appeared on
behalf of the petitioners. He stated
that they want to vacate a portion of a
cul-de-sac that was dedicated in 1986, but
was never constructed. He stated that they
are seeking to vacate this portion because
Challenger Parkway has been extended beyond
the cul-de-sac.

There was no one present who spoke in favor
of or in opposition to the proposed
vacation.

27 November 1995 - Business Meeting

Motion was made and seconded to return the
ordinance to the Common Council with a
DO PASS recommendation, contingent upon the
developer providing utility easements as
needed.

Of the eight (8) members present, seven (7)
voted in favor of the motion, the Chair
did not vote. Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City of Fort Wayne

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
KSKM Inc & Heritage Inn of
Fort Wayne Inc
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

Members Present: Linda Buskirk, Ernest Evans,
James Hoch, Thomas Quirk, Dave Ross, Donald
Schmidt, Mel Smith, Vicky VerPlanck

Member Absent: Carol Kettler Sharp

Member Absent: Carol Kettler Sharp

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Project Start Date 9 October 1995

Projected Completion or Occupancy Date 3 January 1996

Fact Sheet Prepared by _____ Date 3 January 1996

Patricia Biancaniello

Reviewed by

Date 4 January 1990

Reference or Case Number



Vacation Petition

Community & Economic Development / 1 Main Street Rm. 830
Fort Wayne, IN 46802 / (219) 427-1140

I/We do hereby petition to vacate the following:

☐ Plat or portion of plat ☐ Easement ☒ Public Right-of-Way (street or alley)

More particularly described as follows:

.01 acre parcel of land as more particularly described
on survey prepared by Mark L. Strong, dated September 1,
1995, a copy of which is attached hereto.

(Please attach a legal description of the property)

The reasons for the proposed vacation are as follows:

Vacation is of a former proposed cul-de-sac which was never installed since
the street was extended further to the west as shown on the attached survey.

(If additional space is needed please attach a separate page)

Property owner(s) name(s): KSKM, an Indiana general partnership
Attn: Barry Sturges
Street Address: c/o Suite 610, 202 West Berry Street

City: Fort Wayne State: IN Zip: 46802 Phone: (219) 424-8448
(If additional space is needed please attach a separate page)

Applicants Name (if different from above):

Street Address:

City: State: Zip: Phone:

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Planning Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Signature: Barry Sturges KSKM, an Indiana general partnership 9/29/95
STURGES, GRIFFIN, TRENT
REALTY COMPANY, a general
general partner,
By: Barry Sturges, c/o Suite 610, 202 W. Berry Street
a general partner Address

Fort Wayne, IN 46802

City/state/zip

Signature: Gary Haralson H.I. HERITAGE INN OF FORT WAYNE, INC.
Its: President Printed Name Date

P. O. Box 10519

Address

Fargo, North Dakota 58106

City/state/zip

Agents Name (Please print legibly):

Vincent J. Henry

Street Address:

444 E. MAIN ST

City:

FTWAYNE

State:

IN

Zip:

46807

Phone:

NOTICE:

- Legal description is to be of the area to be vacated and must be complete and correct. If necessary a licensed surveyor's legal description may be required.
- All adjacent property owner's signatures must accompany this application.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicants may be required to bear the cost of relocation, or of providing a replacement easement or easements as needed.
- Applicant is also hereby informed that the vacation of a subdivision plat does not necessarily vacate any dedicated right-of-way(s) or utility easement(s), nor any restrictive covenants that may apply.

For Office Use Only:

Receipt #:

Date Filed:

Map #:

Reference #:



Vacation Petition

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Fort Wayne, IN 46802 / (219) 427-1140

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Signature [Signature] KSKM, an Indiana general partnership 9/29/95
STURGES, GRIFFIN, TRENT
REALTY COMPANY, a general
general partner,
By: Barry Sturges,
a general partner

c/o Suite 610, 202 W. Berry Street
Address
Fort Wayne, IN 46802
City/state/zip

Signature [Signature] H.I. HERITAGE INN OF FORT WAYNE, INC.
Its: President

P. O. Box 10519
Address
Fargo, North Dakota 58106
City/state/zip

Agents Name (Please print legibly):

Vincent J. Heiny

Street Address:

444 E. MAIN ST

City:

FT. WAYNE

State:

IN

Zip:

46807

Phone:

426-0444

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For Office Use Only:

Receipt #:

Date Filed:

Map #:

Reference #:

From the desk of:
Pat Biancaniello

AGENT:

Vincent J Heiny
444 E Main St
City 07

426-0444

RECEIPT

GENERAL FORM NO. 352

No 18460

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 10/9 1995

RECEIVED FROM Haller & Colver \$ 200.00

THE SUM OF two hundred & 00/100 DOLLARS

ON ACCOUNT OF Secretary of Cul-de-sac

11329

Challenge PKwy
Tappz

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

(Attachment to Vacation Petition)

Property Owner's Name and Address:

H.I. Heritage Inn of Fort Wayne, Inc.
P. O. Box 10519
Fargo, North Dakota 58106
(701) 235-1167



Engineering Vision Inc.

5201 COLDWATER ROAD, SUITE 150
FT. WAYNE, IN. 46825 PHONE (219) 484-2748

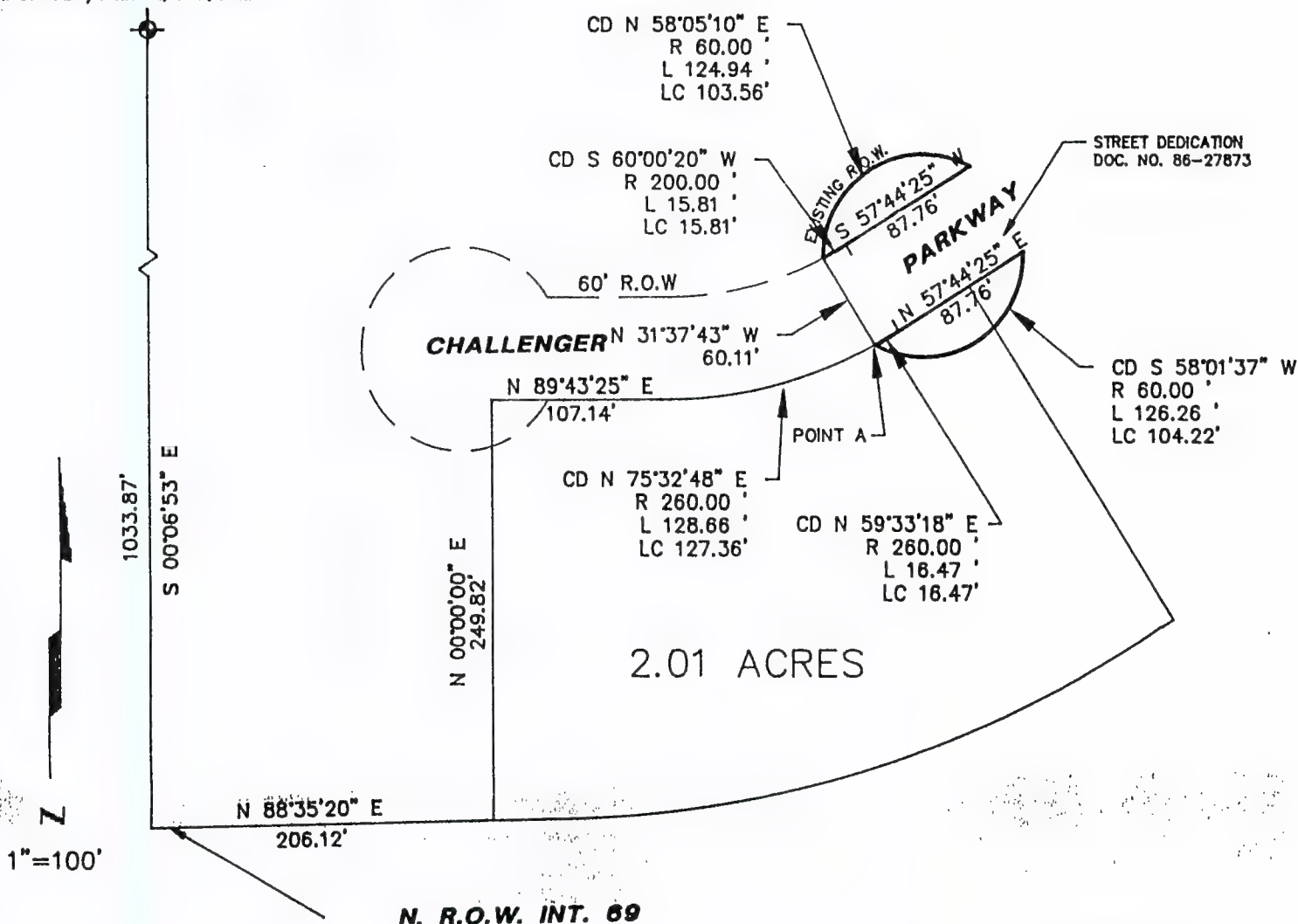
Mark L. Strong
Professional Engineer
Land Surveyor

The undersigned Land Surveyor, registered as provided by Acts of the General Assembly of the State of Indiana, hereby certifies that he has made a resurvey of the real estate depicted and described below. Measurements were made in feet and decimals and the corners were perpetuated as shown, in conformity with the plat and deed record thereof in the office of the Recorder of ALLEN COUNTY, Indiana. No encroachment existed, except as noted. The description of the real estate is as follows, to wit:

LEGAL DESCRIPTION FOR THE VACATION OF A PORTION OF THE STREET RIGHT-OF-WAY
DEDICATED AS CHALLENGER PARKWAY IN DOCUMENT 86-27873

PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA;
MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 12 EAST; THENCE SOUTH 00 DEGREES 06 MINUTES 53 SECONDS EAST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 1033.87 FEET TO THE NORTH RIGHT-OF-WAY OF HIGHWAY I-69; THENCE NORTH 88 DEGREES 35 MINUTES 20 SECONDS EAST, ALONG SAID RIGHT-OF-WAY 206.12 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, NORTH, 249.82 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CHALLENGER PARKWAY EXTENDED; THENCE NORTH 89 DEGREES 43 MINUTES 25 SECONDS EAST, 107.14 FEET; THENCE NORTHEASTERLY, 128.66 FEET, ALONG A CURVE DEFLECTING TO THE LEFT HAVING A RADIUS OF 260 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 75 DEGREES 32 MINUTES 48 SECONDS EAST AND A LENGTH OF 127.36 FEET TO THE POINT OF BEGINNING, SAID POINT BEING POINT A; THENCE CONTINUING 16.47 FEET ALONG SAID CURVE DEFLECTING TO THE LEFT WITH A CHORD HAVING A BEARING OF NORTH 59 DEGREES 33 MINUTES 18 SECONDS EAST AND A LENGTH OF 16.47 FEET; THENCE NORTH 57 DEGREES 44 MINUTES 25 SECONDS EAST ON A LINE TANGENT TO THE LAST DESCRIBED CURVE COURSE 87.76 FEET; THENCE SOUTHWESTERLY 126.26 FEET ALONG A CURVE DEFLECTING TO THE RIGHT NOT TANGENT TO THE LAST DESCRIBED COURSE HAVING A RADIUS OF 60 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING OF SOUTH 58 DEGREES 01 MINUTES 37 SECONDS WEST AND A LENGTH OF 104.22 FEET TO THE POINT OF BEGINNING; TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL, COMMENCING AT POINT A IN THIS LEGAL DESCRIPTION; THENCE NORTH 31 DEGREES 37 MINUTES 43 SECONDS WEST, 60.11 FEET TO THE POINT OF BEGINNING; THENCE 124.94 FEET ALONG A CURVE DEFLECTING TO THE RIGHT NOT TANGENT TO THE LAST DESCRIBED COURSE HAVING A RADIUS OF 60 FEET BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 58 DEGREES 05 MINUTES 10 SECONDS EAST AND A LENGTH OF 103.56 FEET; THENCE SOUTH 57 DEGREES 44 MINUTES 25 SECONDS WEST, 87.76 FEET ALONG A LINE NOT TANGENT TO THE LAST DESCRIBED COURSE; THENCE CONTINUING SOUTHWESTERLY 15.81 FEET ALONG A CURVE DEFLECTING TO THE RIGHT TANGENT TO THE LAST DESCRIBED COURSE HAVING A RADIUS OF 200 FEET BEING SUBTENDED BY A CHORD HAVING A BEARING OF SOUTH 60 DEGREES 00 MINUTES 20 SECONDS WEST AND A LENGTH OF 15.81 FEET TO THE POINT OF BEGINNING, BOTH PARCELS CONTAINING 0.01 ACRES OF LAND, MORE OR LESS.

NW COR NE 1/4 SEC 22, T31N, R12E

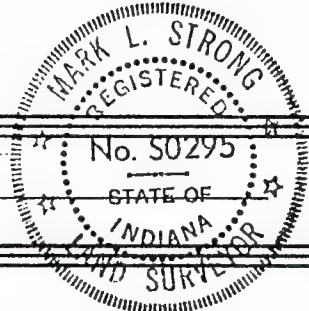


For SCHENKEL SHULTZ

IN WITNESS WHEREOF, I hereunto place my hand

and seal this 1 day of SEPTEMBER, 19 95.

Mark L. Strong



RECEIPT

No 18460

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.

10/9 1995

RECEIVED FROM

Haller & Colman

\$ 200.00

THE SUM OF

two hundred & 00/100

DOLLARS

ON ACCOUNT OF

vacating of Cul-de-sac

Challenge PKwy

AUTHORIZED SIGNATURE

11229

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

(Attachment to Vacation Petition)

Property Owner's Name and Address:

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P. O. Box 10519
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Engineering Vision Inc.
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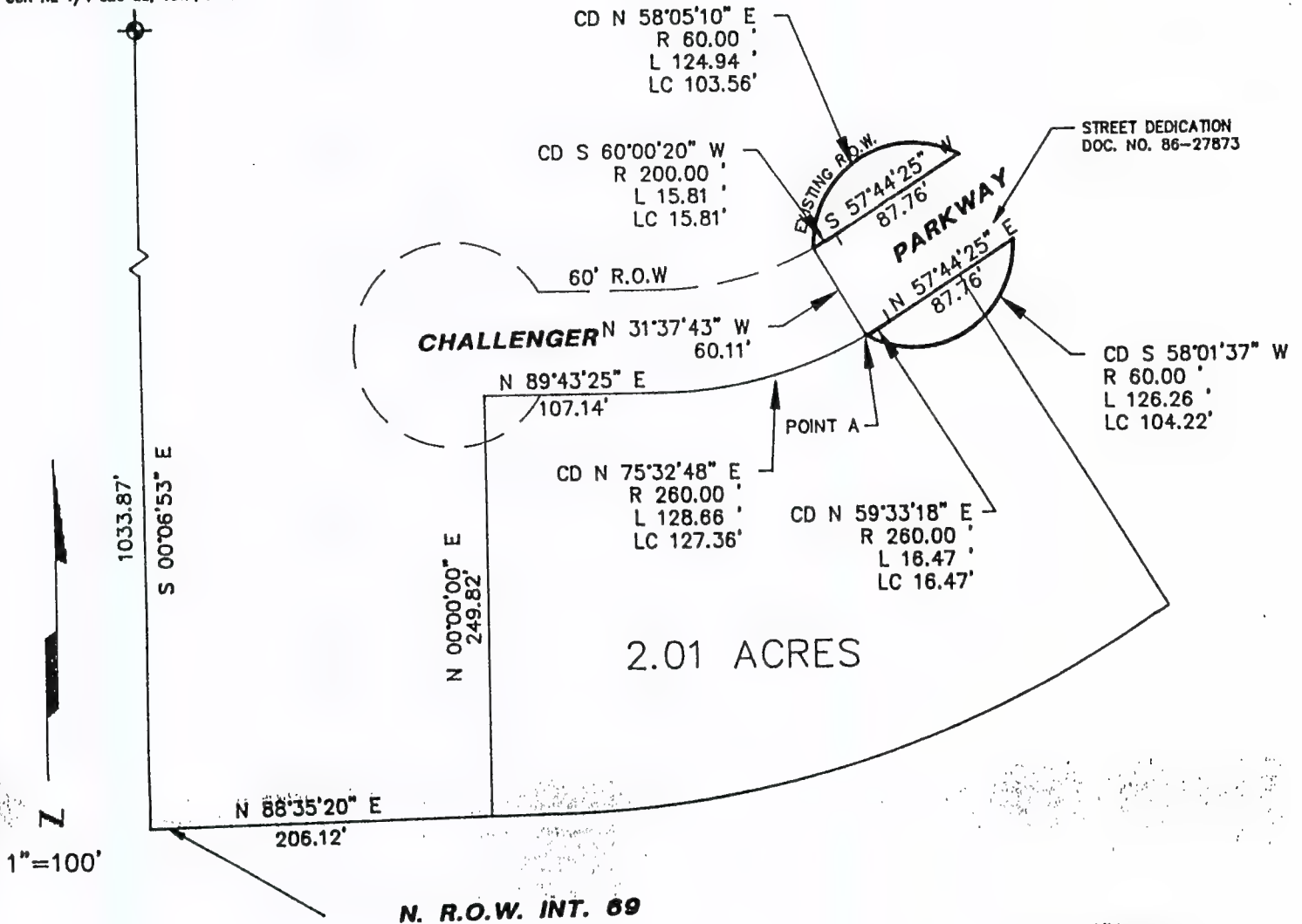
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**LEGAL DESCRIPTION FOR THE VACATION OF A PORTION OF THE STREET RIGHT-OF-WAY
DEDICATED AS CHALLENGER PARKWAY IN DOCUMENT 86-27873**

PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA;
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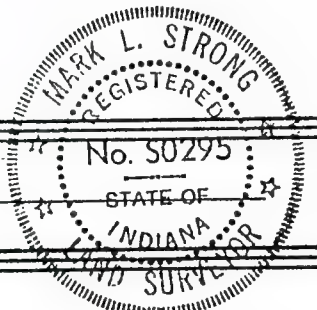
NW COR NE 1/4 SEC 22, T31N, R12E



For SCHENKEL SHULTZ

IN WITNESS WHEREOF, I hereunto place my hand

and seal this 1 day of SEPTEMBER, 19 95.



RESOLUTION 82-127-7

WHEREAS, KSKM INC and H.I. HERITAGE INN OF FORT WAYNE, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street situated in Fort Wayne, Allen County, to-wit:

Part of the Northeast Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana; more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 22, Township 31 North, Range 12 East; thence South 00 degrees 06 minutes 53 seconds East, along the West line of said Northeast Quarter, 1033.87 feet to the North right-of-way of Highway I-69; thence North 88 degrees 35 minutes 20 seconds East, along said right-of-way 206.12 feet; thence leaving said right-of-way, North, 249.82 feet to a point on the South right-of-way line of Challenger Parkway Extended; thence North 89 degrees 43 minutes 25 seconds East, 107.14 feet; thence Northeasterly, 128.66 feet, along a curve deflecting to the left having a radius of 260 feet and being subtended by a chord having a bearing of North 75 degrees 32 minutes 48 seconds East and a length of 127.36 feet to the point of beginning, said point being point A; thence continuing 16.47 feet along said curve deflecting to the left with a chord having a bearing of North 59 degrees 33 minutes 18 seconds East and a length of 16.47 feet; thence North 57 degrees 44 minutes 25 seconds East on a line tangent to the last described curve course 87.76 feet; thence Southwesterly 126.26 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet and being subtended by a chord having a bearing of South 58 degrees 01 minutes 37 seconds West and a length of 104.22 to the point of beginning; together with the following described parcel, commencing at point A in this legal description; thence North 31 degrees 37 minutes 43 seconds West, 60.11 feet to the point of beginning; thence 124.94 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet being subtended by a chord having a bearing of North 58 degrees 05 minutes 10 seconds East and a length of 103.56 feet; thence South 57 degrees 44 minutes 25 seconds West 87.76 feet along a line not tangent to the last described course; thence continuing Southwesterly 15.81 feet along a curve deflecting to the right tangent to the last described course having a radius of 200 feet being subtended a chord having a bearing of South 60 degrees 00 minutes 20 seconds West and a length of 15.81 feet to the point of beginning, both parcels containing 0.01 acres of land, more or less.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, LINDA BUSKIRK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution

adopted by the Fort Wayne Board of Public Works at their meeting held

WED, 12/20/95 and as same appears of record in the
official records of the Board of Public Works.

DATED THIS 20 DAY OF DECEMBER 1995

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk

Linda Buskirk

Chairman, Board of Public Works

C. James Owen

C. James Owen

Member, Board of Public Works

Terrance P. McCaffrey

Terrance P. McCaffrey

Member, Board of Public Works

RESOLUTION

WHEREAS, KSKM INC and H.I. HERITAGE INN OF FORT WAYNE, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street situated in Fort Wayne, Allen County, to-wit:

Part of the Northeast Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana; more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 22, Township 31 North, Range 12 East; thence South 00 degrees 06 minutes 53 seconds East, along the West line of said Northeast Quarter, 1033.87 feet to the North right-of-way of Highway I-69; thence North 88 degrees 35 minutes 20 seconds East, along said right-of-way 206.12 feet; thence leaving said right-of-way, North, 249.82 feet to a point on the South right-of-way line of Challenger Parkway Extended; thence North 89 degrees 43 minutes 25 seconds East, 107.14 feet; thence Northeasterly, 128.66 feet, along a curve deflecting to the left having a radius of 260 feet and being subtended by a chord having a bearing of North 75 degrees 32 minutes 48 seconds East and a length of 127.36 feet to the point of beginning, said point being point A; thence continuing 16.47 feet along said curve deflecting to the left with a chord having a bearing of North 59 degrees 33 minutes 18 seconds East and a length of 16.47 feet; thence North 57 degrees 44 minutes 25 seconds East on a line tangent to the last described curve course 87.76 feet; thence Southwesterly 126.26 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet and being subtended by a chord having a bearing of South 58 degrees 01 minutes 37 seconds West and a length of 104.22 to the point of beginning; together with the following described parcel, commencing at point A in this legal description; thence North 31 degrees 37 minutes 43 seconds West, 60.11 feet to the point of beginning; thence 124.94 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet being subtended by a chord having a bearing of North 58 degrees 05 minutes 10 seconds East and a length of 103.56 feet; thence South 57 degrees 44 minutes 25 seconds West 87.76 feet along a line not tangent to the last described course; thence continuing Southwesterly 15.81 feet along a curve deflecting to the right tangent to the last described course having a radius of 200 feet being subtended a chord having a bearing of South 60 degrees 00 minutes 20 seconds West and a length of 15.81 feet to the point of beginning, both parcels containing 0.01 acres of land, more or less.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on November 20, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated street.

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

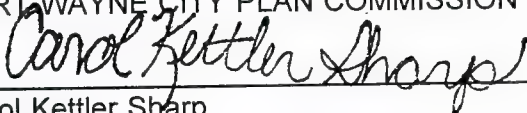
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, November 27, 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 3rd DAY OF January 1996

FORT WAYNE CITY PLAN COMMISSION

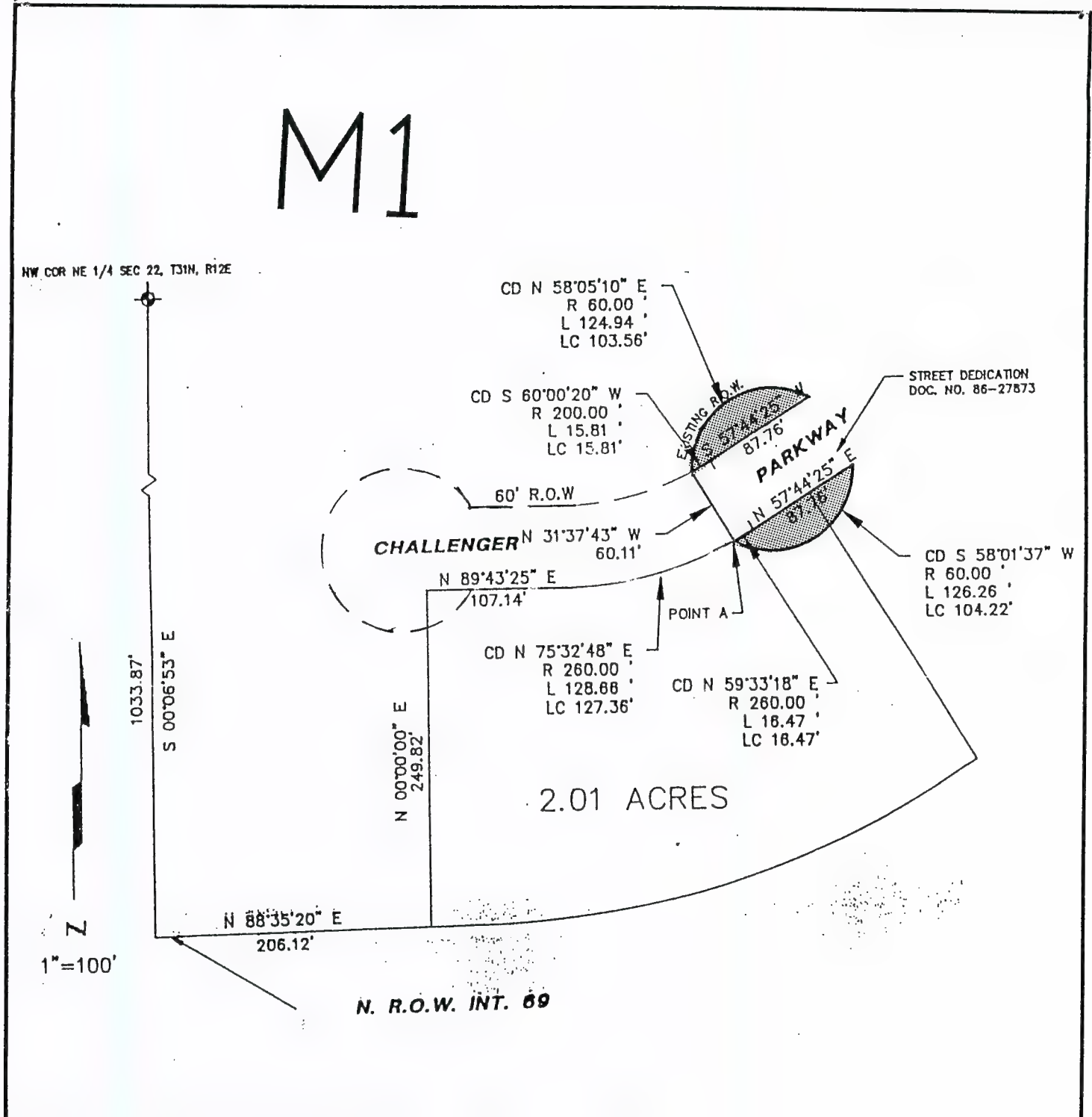


Carol Kettler Sharp
Secretary

VACATION PETITION

AREA MAP

CASE NO. #599



COUNCILMANIC DISTRICT NO. 3

Map No. K - 34
LW 10-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

#599

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Vacation of the cul-de-sac at the end
of Challenger Parkway.

Q-95-11-20

EFFECT OF PASSAGE Property is currently dedicated right-of-way.
Property will be vacated and revert to the adjacent property
owners.

EFFECT OF NON-PASSAGE Property will remain dedicated right-of-
way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. G-95-11-20

REPORT OF THE COMMITTEE ON
FINANCE
THOMAS C. HENRY - JOHN N. CRAWFORD - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating dedicated
right-of-way thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Cecil Carver

Thomas C. Henry

John N. Crawford

Robert D. Bell

William J. Perry

DATED: *1-23-96*

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

January 10, 1996

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of January 13, 1996, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-95-11-20
Street Vacation Ordinance

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne

ENCL: 1

FORT WAYNE COMMON COUNCIL
NOTICE OF A PUBLIC HEARING

BILL NO. G-95-11-20

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, JANUARY 23, 1996, AT 5:30 P.M., IN THE COMMON COUNCIL CONFERENCE, ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, CONCERNING THE FOLLOWING

21

22

Part of the Northeast Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana; more particularly described as follows:

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Commencing at the Northwest corner of the Northeast Quarter of Section 22, Township 31 North, Range 12 East; thence South 00 degrees 06 minutes 53 seconds East, along the West line of said Northeast Quarter, 1033.87 feet to the North right-of-way of Highway I-69; thence North 88 degrees 35 minutes 20 seconds East, along said right-of-way 206.12 feet; thence leaving said right-of-way, North, 249.82 feet to a point on the South right-of-way line of Challenger Parkway Extended; thence North 89 degrees 43 minutes 25 seconds East, 107.14 feet; thence Northeasterly, 128.66 feet, along a curve deflecting to the left having a radius of 260 feet and being subtended by a chord having a bearing of North 75 degrees 32 minutes 48 seconds East and a length of 127.36 feet to the point of beginning, said point being point A; thence continuing 16.47 feet along said curve deflecting to the left with a chord having a bearing of North 59 degrees 33 minutes 18 seconds East and a length of 16.47 feet; thence North 57 degrees 44 minutes 25 seconds East on a line tangent to the last described curve course 87.76 feet; thence Southwesterly 126.26 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet and being subtended by a chord having a bearing of South 58 degrees 01 minutes 37 seconds West and a length of 104.22 to the point of beginning; together with the following described parcel, commencing at point A in this legal description; thence North 31 degrees 37 minutes 43 seconds West, 60.11 feet to the point of beginning; thence 124.94 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet being subtended by a chord having a bearing of North 58 degrees 05 minutes 10 seconds East and a length of 103.56 feet; thence South 57 degrees 44 minutes 25 seconds West 87.76 feet along a line not tangent to the last described course; thence continuing Southwesterly 15.81 feet along a curve deflecting to the right tangent to the last described course having a radius of 200 feet being subtended a chord having a bearing of South 60 degrees 00 minutes 20 seconds West and a length of 15.81 feet to the point of beginning, both parcels containing 0.01 acres of land, more or less.

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THE PUBLIC IS INVITED TO APPEAR BEFORE COMMON COUNCIL AND EXPRESS THEIR VIEWS.

FORT WAYNE COMMON COUNCIL

SANDRA E. KENNEDY
CITY CLERK

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

January 11, 1996

Vincent J. Heiny, Attorney
444 E Main Street
Fort Wayne, Indiana 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-95-11-20

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, January 23, 1996, at 5:30 P.M., in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana on the following:

Vacation of the cul-de-sac at the end of Challenger Parkway - Right-of-way is no longer needed as the street has been extended to the west

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

84 lines, 1 columns wide equals 84 equivalent lines
at .346 cents per line

\$ 29.06

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 30.06

DATA FOR COMPUTING COST

FORT WAYNE COMMON COUNCIL
NOTICE OF A PUBLIC HEARING
BILL NO. G-95-11-20

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NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, JANUARY 23, 1996, AT 5:30 P.M., IN THE COMMON COUNCIL CONFERENCE, ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, CONCERNING THE FOLLOWING
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and penalties of Chapter 155, Acts 1953,
regoing account is just and correct, that the amount
r allowing all just credits, and that no part of the

19 96

Title: Julie L Rohyans Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:

THE PUBLIC IS INVITED TO APPEAR BEFORE COMMON COUNCIL AND EXPRESS THEIR VIEWS.

FORT WAYNE COMMON COUNCIL
SANDRA E. KENNEDY
CITY CLERK

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SANDRA E. KENNEDY
CITY CLERK
#109121

1-13-96

Subscribed and sworn to before me this 13th day of JAN, 19 96.

Mary L Schneider
Notary Public
MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

My commission expires:

FW COMMON COUNCIL

(Governmental Unit)

To:

The News-Sentinel

Dr.

ALLEN

County, Indiana

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

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1.00

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\$ 30.06

DATA FOR COMPUTING COST

Legal Notice

12.5

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FORT WAYNE COMMON COUNCIL
NOTICE OF A PUBLIC HEARING
BILL NO. G-95-11-20

1

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FORT WAYNE COMMON COUNCIL
SANDRA E. KENNEDY
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SANDRA E. KENNEDY
CITY CLERK
#109121

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allowing all just credits, and that no part of the

, 19 96

Title:

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time 1-13-96, the dates of publication being as follows:

1-13-96

Subscribed and sworn to before me this 13th day of JAN, 19 96.

Notary Public

My commission expires:

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997